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A review of the political controversy surrounding the constitutionality of literacy tests and fairness of judging literacy at a sixth grade level resulted in analysis of literacy voter tests in several states, and Louisiana and Alabama in particular. Both states required citizenship, age of 21, and ability to read and write any article of the United States Constitution, with Alabama requiring the English language be used. The Dale-Chall Readability Formula was applied to the Louisiana test and revealed a ninth grade reading level. The Flesch Formula was applied to the Alabama test, in addition; and the Dale-Chall reading level revealed a grade of thirteen to fifteen; while a third formula by Gunning revealed an eighth grade score. It was concluded that the tests were not based upon a sixth grade reading level, and either this grade should be changed to an eighth grade level or above, or a different test not requiring reading of the Constitution should be used. An alternative would be to teach registrants with special reading materials with technical political vocabulary. It was recommended that one consider the ability to take tests, to fill in blanks, and to complete multiple choice questions and sentences. (pt)

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A STUDY OF LITERACY VOTER TESTS

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A paper prepared for the Workshop to Increase and to Improve University Teacher Training Programs in Adult Basic Education, March 9-18, 1969

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

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The problem of literacy voter tests has been presented in popular journalism as well as in detailed and involved hearings before the Congress. Kenneth Crawford writing in Newsweek[1] stated that "literacy tests applied to Negroes are often so difficult that college professors can't pass them. The tests applied to whites are so simple that any fool can qualify." Crawford has raised the political and racial overtones of literacy voter tests.

Writing some five years earlier in the same news magazine, Raymond Moley[2] was concerned with proposed legislation which would do away with the tests. He stated that "eight hundred thousand illiterates are barred, which is proper despite the radical proposal of the Democratic platform to abolish all literacy tests."

The differing position of these two political analysts has been echoed in the testimony of Northern and Southern congressmen, constitutional experts, and concerned citizens in hearings before the Congress. Although this study will include numerous references to Congressional hearings, it will not be the main purpose of the study to explore in detail the political, social, racial, and moral implications of the literacy tests. The 1965 legislation outlawing literacy voter tests has put a legal end to the use of the tests. Rather, this study will attempt to explore the textual nature of the tests and to explore the validity of the tests.

In March 1965, Attorney General Katzenbach defended the provisions of a voting rights bill which would allow the federal government "to suspend literacy tests in any state where Negro voters have been discriminated against in the last 10 years."[3] On the same day opposition to legislation was voiced by Richard Wilson who called the legislation a series of the "devious legislative tactics" in the Johnson administration to achieve results by "legal circumlocution." Wilson asked, "Why should there be a premium on illiteracy in some states and not in others?"[4]

The question of literacy voter tests has raised passionate partisanship. Standard recommended by the President's Commission on Registration and Voting Participation recommended that literacy tests should not be a requisite for voting.[5]

> A minority of our States continues to impose some form of literacy test as a condition of registration. The problem posed by such tests depends on the State in question. Literacy tests in some States are unfairly administered, particularly to deprive Negroes of their right to vote. Only with rigid safeguards is a State likely to eradicate the sort of maladministration reported by the U.S. Commission on Civil Rights. Racial discrimination by means of unfair administration of literacy tests is a perversion of the democratic process.
>
> A more basic question, though, is whether any literacy test can be justified today. When non-citizens could vote, literacy

requirements made some sense, but today only citizens may vote, and the process of naturalization involves a test for literacy, so the original reasons for the test as a part of registration are gone.[6]

Discussion of the criterion of literacy was made by Commissioner Byrne of the President's Commission:

> The Bureau defines "illiteracy as an inability to read or write a simple message either in English or in any other language." Illiteracy, in this sense, should be clearly distinguished from "functional illiteracy, " a term used by the Army in World War II to refer to persons who were incapable of understanding the kind of written instructions that are needed for carrying out basic military functions or tasks. Since that time, the term "functional illiterate" has been commonly used to denote a person who has completed fewer than five years of school.
>
> At present 19 States have a literacy test. Seven of those States were among the top 20 States in voter turnout in 1960. Eleven of the States had a voter turnout of over 63 per cent. Three of the States had a voter turnout between 51 and 54.5 per cent. Four of the literacy test States ranked lowest in voter turnout. The evidence I have seen does not indicate that the literacy test <u>per se</u> is a bar to suffrage.
>
> However, the U.S. Supreme Court did unanimously uphold the literacy test of North Carolina in 1950 (Lassiter V. Northampton Election Board, 360 U.S. 45). Further, the Department of Justice under the present administration and its predecessor administration has not found evidence of discriminatory use of literacy test in 15 of the 19 States which employ such tests.

Twenty States (twenty-one, if Oklahoma is included) provided for literacy as a qualification for voting: Alabama, Alaska, Arizona, California, Connecticut, Delaware, Georgia, Hawaii, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, New York, Oregon, North Carolina, South Carolina, Virginia, Washington, and Wyoming.[8] Of the 3,071 counties in the nation, the United States Commission on Civil Rights claimed that 129 had abused the use of literacy tests.[9] The Commission had taken particular interest in the problem of literacy tests since it posits that efforts to disenfranchise Negroes takes three principal forms. The first two are the discriminatory application of legal qualifications for voters and the arbitrary and discriminatory procedures for the registration of voters.[10] In

practice this appeared as the maladministrations of the tests.

The Civil Rights Division of the Department of Justice reported several pages of cases supporting the position that Constitutional rights had been abrogated by literacy voter tests.[11]

The Gallup Poll reported that a majority of Americans in all sections of the nation expressed opposition to a literacy test as a requirement for voting: "By 2 to 1 the public surveyed opposes a proposal that would require five years of schooling before a person could have the right to vote."[12]

The following questions were asked:[13]

"Should people who cannot read or write have the right to vote?"

Yes, should	56 per cent
No, should not	36 per cent
No opinion	8 per cent

"Some people say that only those persons who have had at least five years of schooling should be allowed to vote. Do you agree or disagree?"

Agree	32 per cent
Disagree	63 per cent
No opinion	5 per cent

Literacy tests vary from state to state. According to then Senator Goldwater, two literacy tests were required in Arizona in order for a citizen to become eligible to vote.[14] The first was to read the Constitution of the United States in English and the second was the ability to write one's name. The Senator stated that the first test meant usually to read just the first sentence of the Constitution. Later in this study the Constitution will be analyzed in order to investigate the kind of literacy which is needed in order to be able to read it or any part of it. Elaboration of the Arizona requirement was provided by Senator Hayden:

> In Arizona, the County Recorder is the official responsible for determining the eligibility of voters. It was pointed out in a five volume report issued by the Civil Rights Commission several years ago that the literacy test varied slightly from county to county in Arizona.[15]

Three bills relating to literacy tests and voter requirements in federal and state elections were considered in the second session of the eighty-seventh Congress: S. 480, S. 2750, and S. 2979. The Legislative Reference Service of The Library of Congress presented support for the proposed provision in Section Three that "the successful completing of six or more grades of formal education..

..shall satisfy all the requirements of any such test."[16] Long debates were held in the hearings regarding this section. One such debate was held between then Attorney General and the Chairman of the Sub-Committee on Constitutional Rights, who chaired the hearings. The Attorney General stated that "you have got to assume that anybody who has passed the sixth grade, gone through six grades, should be considered literate."[17] The chairman responded that "the question of whether a person is literate is a question of fact to be determined by his capacities to read and write, and not a question of what grade he may have completed."[18] Although these political leaders were not specialists in textual analysis or the evaluation of language skills, they neatly focused the problem of literacy on the criterion of whether a grade level, and specifically the sixth, should be considered the criterion for literacy in the United States. Therefore, in the analysis below of the texts under question, there will be a determination of whether the tests are or are not on the sixth grade reading level.

A further aspect of the sixth grade criterion arose in another exchange between the chairman and the Attorney General. At that point, the question was whether a student who had learned to read and write Spanish in six years of school in Puerto Rico would be considered literate in North Carolina, the home state of the chairman. The Attorney General stated that the student would be so considered.[19] At another point the Attorney General and the chairman debated the constitutionality of literacy tests. The chairman stated that the Attorney Generals of Alaska, California, and Maine believed the proposed legislation to be unconstitutional. He cited legal cases to support this position that "literacy tests, requiring one to be able to read and write the English language, (were)....perfectly valid as far as the Constitution of the United States is concerned...."[20] The Attorney stated that he was "sure literacy tests are constitutional."[21] Therefore, the principal question in the hearings from then on was not in regard to constitutionality.

Another criterion of literacy was set forth by the chairman, who stated that Section Four of Article Four of the Constitution of the State of North Carolina provided that "every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language."[22]

During the hearings a Southern Senator read aloud one section of the state constitution, section six, wrote it down, and was timed by the chairman. The section read "Elections by people and general assembly. All elections by the people shall be by ballot, and all elections by the general assembly shall be by verbosa." It took the Senator one minute and twenty seconds. The alleged proof of the exercise was that such a test was not cumbersome and was well within a fair time-span.[23]

The question during the hearings became not whether a literacy test was constitutional, but whether or not the proposed sixth grade level might not be a more equitable and fair way to judge literacy. The position of the Department of Justice was that the tests had been unfairly used to disqualify applications for voting. Numberous examples were cited of such actions.[24]

Further arguments by opponents of the sixth grade criterion advanced the position that social promotion invalidated this criterion. The Director of Primary Curriculum in one county in the South stated: "Let it be understood that this group of children cannot read or write beyond the level of a first-grade pupil, often not as well as can a first-grade pupil."[25] She was referring to a group of children with I.Q.'s from thirty to sixty.

On the other hand, proponents of the legislation, like an official of an international trade union, based his argument on the textbooks which were required reading in many sixth grade classes.[26] The same witness also stated the position which had been supported by others that six grades of school in Spanish in Puerto Rico should also be accepted as a successful literacy standard in the United States.[27]

A state with a long record of using literacy tests as a qualification for the franchise is New York. In 1921 the legislature of New York amended the Election Law of that state to make the ability to read and write English an added qualification.[28] A certificate of literacy as well as a certificate showing an "approved eight grade elementary school" or a higher certificate in which English was the medium of instruction could also be used to meet voting requirements.[29] Each testee was given twenty minutes in which to complete the test.[30] The New York State Regents Literacy Test is unique. The 1963-64 version includes seven different tests, one of which must be passed by the candidate. Each test is a passage of about 150 words on which eight comprehension questions are based. The candidate must answer six correctly. The Dale-Chall score (explained below) on Test Four was 7.54, or grades nine-ten. The Dale-Chall score on the test questions on Test Four was 5.66 or grades five-six. The Dale score included rewrite, articles, confederation, convention, delegate, president, usual, contribution, knowledge, secrecy, delegates, memory, governor, constitution, words which were primarily "political."

A new factor was studied, the factor of redundancy (R), or the percentage of words which occurred more than once which were on the Dale test. The R factor for Test Four was .14 and for the questions on Test Four .17.

An interesting fact in the case of New York is that the eighth grade level rather than the sixth grade level was posited as the school-grade criterion. In testimony before the House Committee on Education and Welfare, suggestions were made for an eighth grade level. Moreover, the current federal educational legislation calls for education up to the eighth grade level. This is not to be misconstrued as meaning that the eighth grade is necessarily the proper criterion, but it does appear that an eighth grade level may be more realistic for the highly technical modern society into which the United States has evolved.

In order to explore in detail the criterion of the sixth or eighth grade as a realistic goal for literacy in terms of the literacy qualifying test for voting, an analysis has been made first of literacy voter tests used in two of the states requiring such a test. The states chosen were not those which often used an oral test, but rather two which were criticized in the hearings for having unfair or

discriminatory written tests. The purpose was to analyze tests in regard to grade level which were considered controversial. The first test was from Louisiana. The requirements for voting in Louisiana are citizenship, the age of twenty-one, and the ability "to read any clause in the United States or Louisiana Constitutions and interpret it and be of good character, attached to the principles of the United States and Louisiana Constitutions and interpret reactions when read to him."[31]

It is beyond the scope of this study to investigate the subjectivity used in "interpreting" the documents. The fact of reading aloud parts of the Constitution has been declared illegal in states like North Carolina. However, since the Constitution of the United States was used, an analysis by formula will be made of it. Further information was provided by "Aids to Registration" published by the League of Women Voters of Louisiana.

> Pursuant to the 1962 legislation, the State Board of Registration on August 3, 1962, adopted a resolution to standardize procedures throughout the state and to relieve registrars of all discretion in determining the qualifications of applicants for registration. Under this resolution, all registrars are furnished with ten sets of these questions, six questions to a set, and are directed to administer one of these sets to each applicant. The applicant must answer correctly at least four out of the six questions in order to qualify for registration. The registrars also are furnished a set of instructions for the registration procedure and the correct answers to all of the questions.
>
> ...2. Read and write a portion of the Preamble to the Constitution of the United States. (A printed copy is shown on the form furnished.)
>
> ...3. Choose one of the 10 face-down cards and correctly answer at least four of the six multiple-choice questions shown on your card.
>
> ...4. Choose at random one of the 5 application cards and correctly fill in all of the blanks on it.
>
> ...5. Mark through the word "have" or "have not" as the case may be on six statements dealing with morals and good character printed on your card.

Approximately the first half of the page on which the test occurs is what might be considered the test proper. For purposes of analysis the test was arbitrarily divided into a Part A and a Part B. Part A begins with "I am a citizen

of the United States and of the State of Louisiana" and continues to "I am now affiliated with the _____ Party." [32]

Part B begins with "I have (have not) been convicted of a felony without receiving a full pardon and restoration of franchise," and ends with "I have (have not) acknowledged myself the father of an illegitimate child within five years before the date of making this application for registration as an elector."

The Dale-Chall Readability Formula[33] was applied to both parts. This formula was used because of its extensive use and the reported effectiveness of it measuring grade levels for reading material from 5.0 up. The Dale-Chall score was 7.14. This score is equated with the ninth-tenth grade reading level. One of the two factors used in this formula is the result of comparing the words of the passage under study with the Dale List of some 3,000 words which are common to about eighty percent of fourth graders. The numbers of words not appearing on this list is the factor called the Dale Score. The Dale-Chall count includes each occurrence of each of the Dale Score words.

In Part A the words on the Dale Score were parish, resided, precinct, No., ward, continuously, disenfranchised, provision, Constitution, household, occupation, sex, registered, voter, registration, and affiliated. These were primarily "political" words as were the words in Part B. There is even greater difficulty for the reader because of the connotation of these words and the manner in which the words were used in context.

In Part B the Dale-Chall score was 8.32, or the eleventh-twelfth grade level. The Dale Score included the following words: convicted, felony, restoration, franchise, misdemeanor, conviction, traffic, violations, within, application, common, registration, and elector. Once again these were primarily "political" words.

A different readability measure was applied to a second literacy voter test, that from Alabama. For purposes of analysis the test was divided into a short Part A and a much longer Part B. Part A began "I.....do hereby" and ended with "to me by said board." Part B began on Page I-A with"1. State you name" and ended on page I-B with "the place as stated by you."

According to voter requirements, Alabama required citizenship, the age of twenty-one, and the ability to "read and write any article of the United States Constitution in English."[34] The Flesch Formula was applied to this test.[35] This formula is also widely known and used as a measure of readability. The factor in the Flesch formula which is the same as that of the Dale-Chall formula is the factor of average sentence length. The factor which is different is the factor of words per sentence. Since Part B of the Alabama voter test was quite long, the test was sub-divided into Sections 1, 2, 3, 4, and 5. The following scores were derived from the Flesch formula: 1:62, 2:76, 3:73, 4:69, 5:69. Scores 1, 4, and 5 were

considered "Standard" and scores 2 and 3 were considered "Fairly Easy." The mean score was 69.8 or "Standard." Flesch did not attempt to equate scores with grade levels.

The Dale-Chall formula was also applied to the literacy voter test from Alabama. The score on Part A was 9.15 or grade thirteen to fifteen. The average sentence length was 43 and ten words were on the Dale List for this passage: hereby, apply, Registrars, register, elector, Constitution, herewith, submit, interrogatories, and propounded. The score for Part B was 6.96 or grades seven-eight. However, this score was almost 7.00, or grade nine-ten. The average sentence length was 15.5. Sixty-three words were on the Dale List: residence, respectively, self-employed, nature, employed, employment, employer, employers, claim, bona, fide, resident, ward, precinct, prior, election, previously, applied, denied, registration, voter, stricken, registered, addict, habitual, drunkard, legally, declared, insane, details, brief, statement, extent, education, experience, convicted, felony, crime, offense, involving, moral, turpitude, forces, approximately, expelled, dishonorably, discharged, support, Constitution, affiliated, organization, advocated, overthrow, unlawful, majority, obligations, citizenship, regard, priority, secular, conflict, knowledge.

A third formula, that by Gunning,[36] determined grade levels. The Gunning formula used the formula used the factor of words per sentence as did Flesch. A different factor in this formula was word length in terms of "hard" words with three syllables or more. The following scores for the five sections of the Alabama test were: 1:9, 2:8, 3:8, 4:8, 5:9. The mean score was 8.4, an eighth grade score.

Therefore, representative literacy tests from two states measured by these different formulas gave scores ranging from the eighth grade to the fifteenth grade and from fairly easy to standard.

A common practice of literacy tests was to require a candidate to read a state constitution. According to the Assistant Attorney General of Georgia, the literacy test is set forth in Article II, Section I, Paragraph IV.[37] This test was also based on the ability to read the state and federal Constitutions.

In Georgia, the "registrant is required to read and write a sentence from the Constitution and....the sentence most frequently used is: 'There shall be no inprisonment for debt.'"[38] Such a requirement is similar to that of South Carolina.

> The procedure followed is for the applicant to read a designated section of the Constitution after which he is directed to a desk and with the printed section of the Constitution in his possession is required to write the section in his own handwriting.[39]

A similar requirement of being able to read the Constitution, according to Senator McGee, is required in Wyoming. "To the best of my knowledge the only

qualifications of this nature in Wyoming is the requirement that a potential voter must be able to read the Constitution of the State of Wyoming."[40]

The case of Alaska is somewhat different since the literacy requirement is the ability to read or speak the English language as prescribed by law, unless prevented by physical disability.[41] However, the common criterion of the states was the ability to read the state constitution. "Maine has no standard literacy test. Our law requires being able to sign your name and read from the constitution of the state. Each registrar or board of registration makes its own decision in each case. Personally, I was on a local board in 1942 and know that we were very lenient in the reading test. No one had to read more than 4 or 5 words."[42]

State constitutions in the United States have been patterned after the Federal Constitution. Therefore, since a common requirement was to be able to read a constitution, an analysis was made of the Constitution of the United States by the Dale-Chall formula. Ten samples were taken from the articles and amendments.

The scores from the samples of the Constitution of the United States as measured by the Dale-Chall formula are given with the R scores:

Sample	D-C	Grade R
A.	8.06	.18
B.	8.47	.08
C.	8.70	.05
D.	9.15	.35
E.	9.02	.09
F.	8.61	0.0
G.	12.39	.36
H.	8.72	0.0

It was assumed that the higher the R score, the easier the readability would be of the passage. However, the highest R rating from this sample corresponded to the highest Dale-Chall score (D-C). The R score was therefore not considered a valid indicator of readability.

As noted above, most of these words were "political" words. Special materials explaining these vocabulary items should be included as a preparatory step in teaching adults to read documents like the Constitution.

The number of occurrences of each word appears in parentheses.

abridged
actual
adoption
affecting
affirmation (2)
Ambassadors
appellate
appoint
appointed (2)
apportionment
appropriate
approve
approved
article
authority
ballot (2)
bound (2)
census
certificated
collect
committed
composed
condition
Confederation
Congress (4)
consent
Constitution (4)
Consuls
contracted
crimes (2)
debts
denied
derived
effects
elected
election
electors
enforce
engagements
entitled
enumeration (2)
exceed
exceeding
exceptions
executive (2)
immediately
impeachment
inhabitant
issue
journal
judges
judicial
jurisdiction (2)
jury
legislation
legislature
legislatures
likewise
majority
manner (3)
mentioned (2)
ministers
notwithstanding
oath (2)
objections (3)
original
originated
particularly
Plantation (3)
prescribed
presence
President (6)
previous
probable
proceed
profit
Providence
pursuance
qualification
reconsider
reconsideration
reconsidered
regard
regulations
religious
Representative
Representatives
required
secure
seized
seizures
Senate (4)
Senator (2)
servitude
source
subsequent
supported
supreme (3)
themselves
thereof (2)
treaties
trial (2)
unreasonable
valid
vested
Vice President
violated
warrants
whatever
within

An analysis of these data showed that by counting each of the forms of the words as a different word, there were 110 different words. From this number thirty words or twenty-seven per cent occurred more than once. Twenty-one words accounted for 21/145, or fourteen per cent, of all the words.

Summary.

The analysis of literacy voter tests in various states and an analysis of the

Constitution of the United States showed that the tests were not based upon a sixth grade reading level. A conclusion was that either this grade level should be changed to an eighth grade level or above, or that different tests, probably not using the ability to read parts of a Constitution should be substituted. An alternative judgment would be to teach registrants with special reading materials so that they might be ready to read materials with a technical political vocabulary. Moreover, the semantic problem of such words as bear (verb or noun), state (verb or noun) which occurred, for example, in the Alabama test, added an even more difficult problem for readers.

Further, counting by the Dale-Chall formula excluded place names as "information" words. This counting excluded all names of states, a number of which may very well be difficult words to read. The implication, especially in terms of the Constitution of the United States, was that the formula score would be considerably easier than the actual readability might be for adults with limited reading ability.

Moreover, the problem of being able to comply with the mechanics of taking tests should be considered. (1) Was the registrant able to fill in blanks satisfactorily? (2) Was the registrant able to complete a multiple-choice question satisfactorily? (3) Could he complete sentences satisfactorily? (4) Was it fair to ask him to do these tasks if he had not been specifically trained to do so? (5) Could college graduates or others with advanced education pass the tests, and, if so, with what scores? (6) What were the grade levels of the various words in the literacy tests, including the numerous abbreviations? (7) Did a sixth grade education necessarily mean ability to read on a sixth grade level?

Dean Griswold[43] stated during the hearings:

> I am not sure that any test, whether objective or not, can be devised to determine whether a citizen will exercise his vote in an intelligent manner. It may even be that there are illiterate persons in this Nation more capable of judging the candidates and the issues than some who have fully mastered the art of reading and writing. In fact, there are 30 States in this Nation which do not require literacy as a prerequisite for voting, and I would be hard put to say that the quality of the electorate or the government in those States is in any way inferior to that of the 20 States which impose literacy requirements.
>
> But, assuming that literacy is a reasonable albeit inexact measuring rod, any person who has completed six primary grades in public school or in an accredited private school cannot reasonably be denied the right to vote on grounds of illiteracy or lack of sufficient education.

FOOTNOTES

1. Kenneth Crawford, "Right to Vote," Newsweek, March 1, 1965, p. 39.

2. Raymond Moley, "The Disfranchised," Newsweek, November 21, 1960, p. 116. The problem has been continued in Letters to the Editor columns. See, for example, Herman E. Cooper on "Literacy in English as a Vote Condition," in Letters to the Editor of the (New York) Times April 7, 1960, p. 42C, who quotes a difficult literacy test from Georgia.

3. Reported in The Evening Star, Washington, D.C., March 24, 1965, p. A-11.

4. Richard Wilson, "Question Lawyers on Voting Bill," The Evening Star, March 24, 1965, p. A-25.

5. Report on Registration and Voting Participation, President's Commission, Washington, D.C., November 26, 1963, p.39.
For an historical treatment of literacy tests, see Vincent S. Doyle, "The Literacy Test as a Qualification for Voting in the United States," Legislative Reference Service, The Library of Congress, JK 1076 E2, 298/109, March 22, 1965.

6. Ibid, pp. 39-40. In a personal communication of March 23, 1965 from Morton M. Tytler, Assistant Attorney General of the State of Washington, it was stated that "Washington registrars accept at face value a person's statement that he can read unless there is some evident reason to believe otherwise." The Secretary of State of Delaware, Elisha C. Dukes, in a personal Communication on March 5, 1965, stated that a voter must sign his name in order to register to vote and again when he votes so that the signature may be compared for possible fraud.

7. Ibid., pp. 52-54.

8. Literacy Tests and Voter Requirements in Federal and State Elections. Hearings before the Subcommittee on Constitutional Rights, 87th Congress, 2nd Session, on S. 480, S. 2750, and S. 2979, March 27,28, April 5, 6, 10, 11, and 12, 1962, (United States Congress, Senate Committee on the Judiciary, Washington: Government Printing Office, 1962), p. 162 and p. 276.
However, in a personal communication of March 26, 1965, Mr. Theodore E. Fleischer, Assistant Attorney General of the State of Alaska writes that "as far as we can determine a literacy test has never been used in Alaska, either in territorial days or since statehood." See Elizabeth Yallosky, "Voting Laws of the 50 States and the District of Columbia., Legislative Reference Service, The Library of Congress, 242/109, May 18, 1964.

9. Ibid., p. 147.

10. Ibid., p. 601.

11. Ibid., pp. 515-523.

12. The Gallup Pool, "People Oppose Denial of Vote to Illiterates," The Washington Post, March 19, 1965, p. A-2

13. Ibid., p. A-2.

14. Literacy Tests and Voter Requirements in Federal and State Elections, op. cit., p. 363.

15. Senator Carl Hayden, in a personal communication, March 22, 1965. In a personal communication by William E. Eubank, Chief Assistant Attorney General of the State of Arizona, he stated that "our office has nothing to do with voting qualification tests." He suggested this information was available only from county recorders.

16. Literacy Tests and Voter Requirements in Federal and State Elections, op. cit., p. 13.
Tests were seldom administered in some states. In a personal communication of March 25, 1965, Jack F. Thompson, Director of Elections of the State of Oregon, wrote "this test has not been administered in the State of Oregon during the past ten years."

17. Ibid., p. 281.

18. Ibid., p. 281.

19. Ibid., p. 275.

20., Ibid., p. 276

21., Ibid., p. 277.

22. Ibid., p. 113.
An interesting application of the test is in Connecticut where the Secretary of State has prepared a standardized "Record of Reading Test," which records the applicant's ability to read three lines from an Article of the Constitution and from a Section of the General Statutes of the State of Connecticut.

23. Ibid., p. 113.

24. Ibid., pp. 261-263

25. Ibid., p. 252.

26. Ibid., pp. 381-382

27. Ibid., pp. 382-384.

28. Literacy Testing and the Issuance of Certificates of Literacy, (Albany: The University of the State of New York Press, 1955), p. 3.
Reading in the English language is also required in Massachusetts viz. Amendment Article XX, Constitution of Massachusetts.

29. Ibid., p. 7.

30. Ibid., p. 16.
The National Municipal League considers the New York literacy test fair. For a summary of literacy requirements in all the states see "Literacy Requirements in Voting," mimeographed by the National Municipal League, 47 East 68th Street, New York, N.Y. 10021.

31. Constitution of the State of Louisiana.

32. Constitution of the State of Louisiana, op. cit.

33. Edgar Dale and Jeanne S. Chall, "A Formula for Predicting Readability, " Educational Research Bulletin XXVII (January 21 and February 17, 1948), pp. 11-20 and 37-54.

34. Alabama. Constitution of the State of Alabama, Amendment 91, Code T 17, Sections 12:3132.
In a personal communication of March 30, 1965, Mrs. Agnes Barrett, Secretary of State of Alabama, stated that the literacy test "consists of four questions, two on the subject of government and two questions on the Constitution."

35. Rudolph Flesch, How to Test Readability (New York: Harper and Brothers, 1954).

36. Robert Gunning, How to Take the Fog Out of Writing, (Chicago: The Dartnell Press, 1963).

37. Paul Rodgers, Assistant Attorney General of the State of Georgia, in a personal communication, March 22, 1965.

38. Sarah V. Craig, District Representative for Charles Longstreet Weltner, U.S. Congressman from Georgia, in a personal communication, March 16, 1965.

39. Thomas G. Earle, Assistant Attorney General of the State of South Carolina, in a personal communication, March 19, 1965.

40. Senator Gale McGee of the State of Wyoming, in a personal communication, March 19, 1965.

In Oregon, there is no published test according to Chas. W. Brooks, Executive Assistant to Senator Wayne Morse, in a personal communication of April 5, 1965.

41. George Sundborg, Administrative Assistant to Senator Ernest Gruening of the State of Alaska, in a personal communication, March 18, 1965.

42. George C. West, Deputy Attorney General of the State of Maine, in a personal communication, March 22, 1965.
An interesting variation of the literacy test is provided by New Hampshire which uses pasteboard slips with five lines of the Constitution printed in eighteen point type. See Section 55:11 of the New Hampshire Primary and Election Laws of 1964.

43. United States Congress, House of Representatives, Committee on the Judiciary, Civil Rights, Hearings Before Subcommittee No. 5, 85th Congress, 1st Session on Miscellaneous Proposals Regarding the Civil Rights of Persons Within the Jurisdiction of the United States, May 8, 9, 15, 16, 23, 24, 28, June 13, 26, 27, July 10, 12, 17, 18, 19, 24, 25, 26, 31 August 1, 2, 1963 (Washington: Government Printing Office, 1963), p. 1106.

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